

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

RAMSEY SIMMONS,

Plaintiff,

Civil No. 05-1033-CO

v.

FINDINGS AND
RECOMMENDATION

JOHN AND JANE DOE, et al.,

Defendants.

COONEY, Magistrate Judge.

By Order (#3) entered July 7, 2005, plaintiff was allowed 30 days to either pay the filing fee or to file an application to proceed in forma pauperis. Plaintiff was provided with form to request in forma pauperis status. On July 18, 2005, the court's order was returned as undeliverable. Plaintiff has not paid the filing fee, filed an application to proceed in forma pauperis, filed a notice of change of address as required by the Federal Rules or otherwise contacted the court regarding the status of his case. Plaintiff and has apparently abandoned his claims. This action should be

dismissed for failure to prosecute.

This recommendation is not an order that is immediately appealable to the Ninth Circuit Court of Appeals. Any notice of appeal pursuant to Rule 4(a)(1), Federal Rules of Appellate Procedure, should not be filed until entry of the district court's judgment or appealable order. The parties shall have ten (10) days from the date of service of a copy of this recommendation within which to file specific written objections with the court. Thereafter, the parties have ten (10) days within which to file a response to the objections. Failure to timely file objections to any factual determinations of the Magistrate Judge will be considered a waiver of a party's right to de novo consideration of the factual issues and will constitute a waiver of a party's right to appellate review of the findings of fact in an order or judgment entered pursuant to the Magistrate Judge's recommendation.

DATED this 17 day of October, 2005.

S/
John P. Cooney
United States Magistrate Judge